

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

David St. Ann,

Plaintiff,

Case No. 15-cv-11770

v.

Judith E. Levy  
United States District Judge

Todd McLean, *et al.*,

Mag. Judge Anthony P. Patti

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE PATTI'S REPORT  
AND RECOMMENDATION [58]**

On January 3, 2018, Magistrate Judge Anthony P. Patti issued a Report and Recommendation (Dkt. 58) recommending that the Court grant in part and deny in part defendants' motion for summary judgment. (Dkt. 38.) Magistrate Judge Patti recommends that the Court dismiss with prejudice plaintiff's claims regarding a constitutional right to a particular security classification, dismiss without prejudice plaintiff's claims against defendant Buczek for failure to exhaust his administrative remedies, and not dismiss plaintiff's

claims for retaliation and intentional infliction of emotional distress.  
(Dkt. 58 at 17-18.)

The parties were required to file specific written objections within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. The court has nevertheless thoroughly reviewed the Report and Recommendation, and concurs in the reasoning and result. Accordingly, it is hereby ordered that:

The Report and Recommendation is ADOPTED;

Defendants' motion for summary judgment (Dkt. 38) is GRANTED  
IN PART AND DENIED IN PART;

Plaintiff's claims asserting a constitutional right to a particular security classification are DISMISSED WITH PREJUDICE;

Plaintiff's claims against defendant Buczek are DISMISSED  
WITHOUT PREJUDICE; and

Plaintiff's claims for retaliation and intentional infliction of emotional distress are NOT DISMISSED.

IT IS SO ORDERED.

Dated: January 25, 2018  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 25, 2018.

s/Shawna Burns  
SHAWNA BURNS  
Case Manager